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EXAMINER

BOUTAH, ALINA A

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/592,302

Applicant(s)

DANNER ET AL.

Examiner

Alina N Boutah

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see Office Action).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-6, 9-19 and 22-41.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Response to Applicant's Request for Reconsideration

This action is in response to Applicant's request for reconsideration received May 5, 2004. Claims 7, 8, 20 and 21 have been cancelled. Claims 1-6, 9-19, and 22-41 are pending in the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-19, and 22-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0164000 by Cohen et al (hereby Cohen) in view of USPN 6,501,832 issued to Saylor et al (hereby Saylor).

Regarding claim 1, Cohen teaches in a server, a method for providing information suitable for audio output, the method comprising:

receiving a first set of information over a network based on a request for the first set of information [Abstract; 0011-0012];

accessing a marked document in response to receiving the first set of information [0035],
accessing the document further including determining an identity of the request for the first set of

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information and accessing the document based on the identity of the request wherein the identity of the request is based on at least one of an identifier for an originator of the request and an identifier for a destination of the request [0030; 0035]; and

generating a second set of information suitable for audio output based on the first set of information and the tagged document [Abstract; 0011-0012].

Cohen fails to explicitly teach accessing a "tagged" document. Saylor teaches accessing a tagged document (col. 18, lines 45-65). At the time the invention was made, one of ordinary skill in the art would have been motivated to access a tagged document in order to facilitate user in obtaining the specified document.

Regarding claim 2, Cohen teaches the method of claim 1, wherein: the step of receiving the first set of information comprises receiving a web page based on a Uniform Resource Locator (URL) request for the web page [Abstract; 0011-0012].

However, Cohen fails to expressly teach: the step of accessing the tagged document comprises accessing an Extensible Markup Language (XML) document; and the step of generating the second set of information comprises generating filtered web content suitable for audio output based on the web page and the XML document.

Saylor teaches the step of accessing the tagged document comprising accessing an Extensible Markup Language (XML) document (col. 2, lines 4-16; col. 4, lines 46-58; col. 8, lines 14-36; col. 10, lines 17-28); and the step of generating the second set of information comprising generating filtered web content suitable for audio output based on the web page and the XML document (col. 8, lines 14-36).

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At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teaching of Cohen with the teaching of Saylor by incorporating the use of XML-based audio output in order to make it possible users to interact with web servers by telephones, thus allowing users to access information without having to purchase new equipments (col. 1, lines 40-50).

Regarding claim 3, Cohen teaches the method of claim 1, wherein the step of receiving the first set of information based on a request for the first set of information comprises the steps of: receiving speech information specifying the first set of information [0026]; generating a text request for the first set of information based on an acoustic speech recognition technique applied to the speech information [figure 6; 0049-0050][, and submitting the text request over the network [0049].

Regarding claim 4, Cohen teaches the method of claim 3, wherein the step of generating the text request comprises interpreting at least one primitive construct based on the speech information [0022].

Regarding claim 5, Cohen the method of claim 4, further comprising the step of generating at least one additional primitive construct based on a request for a user-defined command [0011].

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Regarding claim 6, Cohen teaches the method of claim 3, wherein the step of generating the text request comprises applying a case-logic technique to the speech information [0022].

Regarding claim 9, Cohen teaches the method of claim 1, wherein the step of generating the second set of information suitable for audio output comprises: selecting at least one portion of the first set of information that is suitable for audio output; and generating the second set of information based on selecting the east least one portion of the first set of information [0035].

Regarding claim 10, Cohen teaches the method of claim 1, wherein the step of generating the second set of information suitable for audio output comprises: generating text data suitable for audio output based on the first set of information and the tagged document, and generating audio based on the text data [0035-0036].

Regarding claim 11, Cohen teaches the method of claim 10, wherein the step of generating the text data suitable for audio output comprises generating at least one response and the step of generating the audio data based on the text data comprises applying a text-to-speech (TTS) technique to the at least one response [0022].

Regarding claim 12, Cohen teaches the method of claim 1 wherein the step of accessing the tagged document is performed based on the request for the first set of information and approximately concurrently with the step of receiving the first set of information [0035].

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Regarding claim 13, Cohen teaches the method of claim 1, wherein each of the first set of information, the tagged document and the second set of information is at least one of a Hypertext Markup Language (HTML) page, and Extensible Markup Language (XML) page, a Virtual Reality Modeling Language (VRML) page, and a Standard Generic Markup Language (SGML) page [0034].

Regarding claim 14, the combination of Cohen and Saylor teaches a system for providing information suitable for audio output, the system comprising: a document database configured for storing a polarity of tagged documents (Saylor: figure 1); and a server comprising an executable resource, wherein the executable resource performs functions similar to those of claim 1 (please see claim 1 rejection above).

Claims 15-19, 22-26 are similar to claims 2-6, and 9-13, respectively, therefore are also rejected under the same rationale.

Claims 27-28, 29-30, 31-32 are similar to claims 1 and 2, respectively, therefore are also rejected under the same rationale.

Regarding claim 33, the combination of Cohen and Saylor teaches a method for navigating a web by voice in a server configured for executing voice web applications, the method comprising limitations similar to those of claims 1 and 2 combined, therefore are rejected under the same rationale.

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Claim 34 is similar to claim 3, therefore is rejected under the same rationale.

Claims 35-37 are similar to claims 7, 8, and 10, respectively, therefore are rejected under the same rationale.

Regarding claim 38, Cohen teaches the method of claim 1 wherein the method of accessing a tagged document comprises accessing a plurality of tagged documents, the plurality of tagged documents to define user interface logistics and operate the server [0035]; and wherein the method of generating a second set of information comprises generating a second set of information suitable for audio input based on the first set of information and the plurality of tagged documents [Abstract; 0011-0012; 0035].

Regarding claim 39, Cohen teaches the method of claim 38 wherein the plurality of tagged documents includes at least one menu document, at least one activity document, at least one decision document and at least one application state document [figures 1-6].

Regarding claim 40, Cohen teaches the method of claim 38 wherein the plurality of tagged documents includes at least one documents to be applied to the first set of information to generate the second set of information suitable for audio output [Abstract; 0011-0012; 0035].

Regarding claim 41, Cohen teaches the method of claim 1 wherein the step of generating the second set of information further comprises the step of executing voice application

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operations from the tagged document to generate the information suitable for audio output

[Abstract].

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Cohen does not teach or suggest, alone or in combination, any notion of accessing a tagged document as recited in the claims. On pages 14-15 of the remark, Applicant defines a "tagged document" as a "script file" and "XML script, which provides application state information along with executable instructions for generating the second set of information output" as described in the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., tagged document such as script file or XML script) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that one of ordinary skill in the art would not look to Saylor to modify Cohen because Saylor does not suggest generating a second set of information based on the first set of information. The Patent Office respectfully disagrees. As admitted by Applicant, Saylor teaches a Vcode system for providing access to voice content in Vcode/Vpage entries. Column 1, line 57 to column 2, line 17 of the Saylor reference discloses a user being able to access the content corresponding to the Vcode by entering through an interactive communication device such as a land or mobile telephone or verbal description (interpreted as first set of information),

and accessing a Vpage as an output which can consist of audio or text files (interpreted as a second set of information based on the first set of information). Therefore, there is suggestion to combine the Cohen and Saylor references.

Applicant argues that neither Cohen or Saylor teaches the subject matter of former claims 7 and 8, which recite "accessing the tagged document in response to receiving the first set of information by determining an identity of the request for the first set of information, and accessing the tagged document based on the identity of the request, wherein the identity of the request is based on at least one of an identifier for an originator of the request and an identifier for a destination of the request." As addressed in the previous Office Action, paragraphs [0030] and [0035] of the Cohen reference teach this limitation. Specifically, [0030] teaches accessing the tagged document by a hyperlink [0035] or an Internet address [0036]. In this case, the hyperlink is interpreted as an identity of the request, and in order to use it, it has to be determined. Therefore, Cohen does teach this limitation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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